

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

|                                  |   |                             |
|----------------------------------|---|-----------------------------|
| <b>CURTIS BRANDON,</b>           | ) |                             |
|                                  | ) |                             |
| <b>Plaintiff,</b>                | ) |                             |
|                                  | ) |                             |
| <b>v.</b>                        | ) | <b>Case No. 1:16-cv-177</b> |
| <b>RAYMOND BURKHART, et al.,</b> | ) |                             |
|                                  | ) |                             |
| <b>Defendants.</b>               | ) |                             |

**MEMORANDUM ORDER**

This civil rights lawsuit was commenced on July 12, 2016 by Plaintiff Curtis Brandon, an inmate at SCI-Forest. Plaintiff brings this action under 42 U.S.C. §1983 seeking redress for alleged constitutional violations related to the conditions of his confinement.

On August 23, 2017, Plaintiff filed his Second Amended Complaint, the operative pleading in this case. ECF No. 44. At this point in the litigation, the following claims remain:

1. A conspiracy claim against Defendant Siegel. ECF No. 44, ¶61.
2. A claim of retaliation against Defendant Burkhart based on Burkhart's purported destruction of Plaintiff's legal property. ECF No. 44, ¶16;
3. A retaliation claim against Defendant Blake stemming from Blake's alleged issuance of a false misconduct charge after Plaintiff submitted a grievance about the confiscation of his legal property. *Id.* ¶ 23;
4. An access to courts claim against Defendant Burkhart based on Burkhart's alleged confiscation and destruction of Plaintiff's legal property. *See* ECF No. 79, pp. 14-15;
5. A retaliation claim brought against Defendants Stoddard and Chiles. ECF No. 44, ¶ 34;
6. A due process claim against Defendant Schleicher concerning the confiscation of Plaintiff's television. *Id.* ¶41; and
7. A due process claim against Defendants Price and Beach regarding the alleged destruction of Plaintiff's 1099 dividend forms. *Id.*, ¶31.

On March 12, 2020, the remaining Defendants filed a motion for summary judgment. ECF No. 137. Thereafter, Plaintiff successfully sought a stay of the proceedings based on the Covid-19 pandemic and associated limitations placed on access to the law library. ECF Nos. 147, 149. The case was later reopened on August 7, 2020, ECF No. 160, and Plaintiff eventually filed his response to Defendants' motion on October 26, 2020. ECF No. 180.

On November 16, 2020, United States Magistrate Judge Lanzillo issued an R&R recommending that the defendants' Motion for Summary Judgment, ECF No. 137, be granted. See ECF No. 181. After examining the record and the remaining §1983 claims, Judge Lanzillo found that the record did not demonstrate the existence of a genuinely disputed material fact concerning the alleged violation of Plaintiff's constitutional rights or any agreement that could support a claim of conspiracy.

Plaintiff's objections to the Report and Recommendation were originally due by December 3, 2020; however, that deadline was subsequently extended multiple times, with the final deadline being June 30, 2020. To date, no objections have been received.

After *de novo* review of the complaint and documents in the case, together with the report and recommendation, the following order is entered:

AND NOW, this 12th day August, 2021;

IT IS ORDERED that the Defendants' motion for summary judgment, ECF No. [137], shall be and hereby is, GRANTED. Consistent with the foregoing, JUDGMENT shall be entered by separate order pursuant to Rule 58 of the Federal Rules of Civil Procedure, in favor of Defendants Siegel, Burkhardt, Blake, Stoddard, Chiles, Schleicher, Price, and Beach and against Plaintiff Curtis Brandon, on all remaining claims.

IT IS FURTHER ORDERED that the Report and Recommendation of Magistrate Judge Lanzillo, issued on November 16, 2020, ECF No. [181] is adopted as the opinion of the Court.

As there are no remaining claims or other matters pending before the Court in this case, the Clerk is directed to mark the above-captioned civil action "CLOSED."

A handwritten signature in black ink, reading "Susan Paradise Baxter". The signature is fluid and cursive, with the first name "Susan" being the most prominent.

SUSAN PARADISE BAXTER  
United States District Judge

cm: Curtis Brandon  
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SCI Forest  
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Counsel of Record  
United States Magistrate Judge Richard A. Lanzillo  
(via CM/ECF)